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IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1966

NO. 321

W. E. McCULLOCH, Auditor
of Polk County, Iowa, et al
State of Iowa
Petitioners,
vs.
ELIZABETH KRUIDENIER, et al,
Respondents.

MOTION TO EXPEDITE THE CONSIDERATION OF PETITION FOR CERTIORARI, TO DISPENSE WITH THE PRINTING OF THE RECORD AND TO ADVANCE THE DATE OF ORAL ARGUMENT.

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Comes now the Petitioners in the above entitled cause and through their counsel, move the Court, as follows:

1. For an Order to expedite the granting or denial of this Petition for Certorari by consideration of such Petition by the court at the earliest time possible in light of the Court's docket, and fairness to other litigants and the parties herein.

2. In the event such Petition is granted, for an order

(a) Dispensing with the printing of the record in the case, and

(b) Advancing the date of oral argument of this case

All for the purpose of obtaining a final adjudication of this case prior to the end of the legislative session of the Iowa State General Assembly.

Said motions are made on the grounds more fully set forth below:

(1) The Petition of Certiorari is from a judgment of the Supreme Court of the State of Iowa holding the so called "1965 Iowa temporary reapportionment plan" violative of the equal protection clauses of both state and federal constitution solely because said plan failed to provide for subdistricting of the state legislative districts.

(2) The Iowa Supreme Court, while permitting the impending general election in November, 1966 to be conducted under the plan held invalid, retained jurisdiction of the case for the purpose of reviewing the action of the 62nd General Assembly with regard to a reapportionment plan constructed along the guide lines set forth in the opinion of the Court.

(3) The 62nd General Assembly convenes in January, 1967, and the session is not expected to last more than 100 days; that the next regular session of the legislature will not convene until January of 1969.

(4) That counsel has been informed that the condition of the docket is such that this case will not be reached for oral argument until sometime during the Spring of 1966, and unless the state legislature has the benefit of a final adjudication of this case prior to the end of its session, it will be required to either ignore the mandate of the State Supreme Court, or to adopt a reapportionment plan of a temporary or permanent nature pursuant to the guidelines set forth in the State Court opinion; those guides require state wide subdistricting.

(5) The Petition for Certiorari was taken for the purpose of, and on the basis of, challenging the State Court's decision that subdistricting was constitutionally required by the equal protection clause of the federal constitution.

(6) The record in this case, apart from the record printed in the Court below, ten copies of which were filed pursuant to Rule 21, with the Petition of Certiorari, consists solely of a limited number of exhibits, which can easily be reproduced for the consideration by the Court; that Petitioners believe that if the Petition be granted, substantial time can be saved if the printing requirement be dispensed with, with no untoward inconvenience to the parties, or to the Court. Petitioners believe that sufficient copies of the printed record in the Court below are available, at this time, to meet the

requirements as to the number of copies. Petitioners have been advised by counsel for respondents that a suitable stipulation can probably be entered with regard to the designation of the record, and no delay is forseen in obtaining a suitable record of this case, outside of the delay in printing thereof. Petitioners rely solely upon such saving of time as grounds for their motion to dispense with the printing of the record.

(7) Petitioners believe that the case can be fully and adequately briefed by both parties prior to January 1, if this petition be granted before November 1, 1966.

Respectfully submitted,

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